

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dileep Kumar Panjwani
Application No. : 10/608,746
Confirmation No. : 7711
Filed : June 27, 2003
For : METHOD AND APPARATUS FOR DETECTION AND
PREVENTION OF INTRUSIONS, COMPUTER
WORMS, AND DENIAL OF SERVICE ATTACKS
Group Art Unit : 2131
Examiner : Thomas Peeso

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 C.F.R. §1.181(a)

Sir:

Applicant has been informed by the Patent Office that the above-identified patent application currently stands abandoned. As explained more fully below, this is in error. Applicant hereby petitions to withdraw the holding of abandonment under 37 C.F.R. §1.181(a). No fee is due in connection with this petition.

The above-identified patent application was filed on June 27, 2003. After filing, responsibility for this patent application was transferred to patent attorney G. Victor Treyz,

Reg. No. 36,294 (customer number 36532, attorney for applicant). On September 30, 2004, Mr. Treyz filed a Power of Attorney and Change of Address Indication Form. A duplicate copy of this Form is attached.

In connection with a patent portfolio review of assignee Blue Lane Technologies, Inc. on or about August 20, 2008, Mr. Treyz, noticed that the above-identified patent application had not received any official Patent Office action in over five years. This prompted a call from patent agent David Kellogg (Reg. No. 62958) of Mr. Treyz's office to the Patent Office to inquire about the status of the application.

In a telephone call on August 20, 2008 between Mr. Kellogg and the Inventors Assistance Center (IAC) department of the Patent Office, Mr. Kellogg was informed by the Patent Office that the Power of Attorney and Correspondence Address Indication Form that was filed on September 30, 2004 had been received at the Patent Office on October 5, 2004, but had never been properly processed by the Patent Office. In particular, the Patent Office informed Mr. Kellogg that, as of August 20, 2008, the practitioner(s) at customer number 36532 had not yet been recognized by the Patent Office and that the correspondence address for the above-identified patent application had not yet been properly updated to the address for customer number 36532.

During the August 20, 2008 telephone call, the Patent Office also informed Mr. Kellogg that an Office Action on the above-identified patent application had been mailed to an old and

out-of-date address on August 11, 2006.

Because of the failure of the Patent Office to properly process the Correspondence Address Indication Form and update its records to reflect the current correspondence address for this patent application, Mr. Treyz did not receive the August 11, 2006 Office Action when it was mailed and has still not received this Office Action.

Having not received the August 11, 2006 Office Action or any information indicating that the August 11, 2006 Office Action had even been issued, Mr. Treyz did not respond to the August 11, 2006 Office Action. Six months after the August 11, 2006 Office Action was mailed, the above-identified patent application was therefore considered to be abandoned by the Patent Office for failure of applicant to respond.

During the August 20, 2008 telephone call between Mr. Kellogg and the Inventors Assistance Center, the Patent Office provided Mr. Kellogg with the name and telephone number (Tomas Peeso at 571-272-3809) of the Examiner who was said to be currently responsible for this patent application. Mr. Treyz left messages for the Examiner on the Examiner's voicemail system on August 22, August 25, August 26, August 27, August 28, and August 29, 2008 requesting that Examiner Peeso call Mr. Treyz to discuss the patent application. A similar voice mail message was left with Examiner Peeso's supervisor (Examiner Green -- according to information supplied to Mr. Kellogg during the August 20, 2008 telephone call) on August 29, 2008.

In view of Mr. Treyz's failed attempts to contact the Examiner or the Examiner's supervisor, Mr. Kellogg contacted the Office of Petitions at the Patent Office on August 29, 2008, to inquire further about the status of the patent application. Urban Dingle, a paralegal in the Office of Petitions, stated that the September 30, 2004 Power of Attorney and Correspondence Address Indication Form had been received by the Patent Office, but had not been processed. Mr. Dingle also stated that the Office Action which lead to the holding of abandonment of the patent application was mailed to an old and therefore incorrect address. Mr. Dingle indicated that the present Petition to Withdraw Holding of Abandonment Under 37 C.F.R. §1.181(a) would be appropriate to revive the patent application. As indicated by Mr. Dingle, this Petition to Withdraw Holding of Abandonment Under 37 C.F.R. §1.181(a) does not require the contemporaneous filing by applicant of a Reply to the August 11, 2006 Office Action and does not require a showing that the abandonment was unavoidable or unintentional.

Mr. Dingle indicated that, following the processing and grant of this Petition to Withdraw of Holding of Abandonment, the August 11, 2006 Office Action will be re-mailed to the correct correspondence address (i.e., the correspondence address associated with customer number 36532) with a new three-month period for reply.

The following items are enclosed in support of this Petition:

1. Copy of the September 27, 2004 Power of Attorney and Correspondence Address Indication Form.

2. Copy of a properly itemized date-stamped return receipt postcard received from the Patent Office. The date stamp bears a date of October 5, 2004. The itemized list on the postcard indicates that the applicant filed a Power of Attorney (i.e., the September 30, 2004 Power of Attorney Form that includes the Change of Correspondence Address Indication form), a transmittal letter, a fee transmittal, a Preliminary Amendment, a Name Change Petition, and a Statement under 37 C.F.R. 3.73(b).

In view of the foregoing, applicant hereby requests reconsideration and withdrawal of the holding of abandonment in this patent application. Applicant also requests that the Power of Attorney and Correspondence Address Indication Form that was originally mailed to the Patent Office on September 27, 2004 be processed and that the records of the above-identified patent application be updated accordingly. Applicant further requests that the August 11, 2006 Office Action be mailed to the correct correspondence address indicated in the Power of Attorney and Correspondence Address Indication Form (i.e., customer number 36532) and that a new period for reply be established based on the new mailing date.

The Commissioner is hereby authorized to charge any fee

deficiencies due or to credit any overpayments in connection with
this submission to Deposit Account No. 502942.

Respectfully Submitted,

Date: September 2, 2008

/G. Victor Treyz/
G. Victor Treyz
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Attorney for Applicant
Customer No. 36532